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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re :  
LEHMAN BROTHERS INC., : SIPA Proceeding  
Debtor. : Case No. 08-01420 (JMP)

**OBJECTION TO NOTICE  
OF TRUSTEE'S DETERMINATION OF CLAIM**

GLG Actions Internationales Fund, a sub-fund of GLG Investments III plc ("Claimant"), by and through its undersigned counsel, Chadbourne & Parke LLP, hereby files this objection (the "Objection") to the Notice of Determination of Claim (the "Notice") of James Giddens, as trustee (the "Trustee") for the liquidation of Lehman Brothers Inc. ("LBI") under the Securities Investor Protection Act of 1970, as amended ("SIPA"). In support of this Objection, Claimant states as follows:

## **BACKGROUND**

1. Claimant held an account (the "**Account**") with Lehman Brothers International (Europe) ("**LBIE**"). Although Claimant did most of its trading through the Account at LBIE, Claimant believes that LBIE utilized LBI as a sub-custodian for securities held in certain United States depositories, such as the Depository Trust Corporation. Despite repeated attempts to locate its assets, Claimant remains unable to determine where such assets are being held, the terms on which they are being held, and when they will be returned. In addition, there is a possibility that some of the Claimant's assets may have been rehypothecated. Claimant therefore asserted claim numbers 900004122 and 900004123 (the "**Claims**") against LBI for all assets noted in the Claimant's LBIE account.

2. On September 2, 2009, the Trustee served the Notice on Claimant. In the Notice, the Trustee states that:

Your Claim is DENIED. The Above-referenced account(s)... is with Lehman Brothers International (Europe) ("**LBIE**"), not LBI. LBIE has filed claims with the Trustee for funds or property held or believed to be held by LBI for the benefit of LBIE's customers.

3. The Notice provides that Claimant has thirty (30) days from the date of the Notice to challenge the Trustee's determination. Accordingly, Claimant files this Objection.

## **OBJECTION**

4. Claimant hereby objects to the Notice and to the Trustee's determination that the Claims are denied.

5. In order to determine the actual location of any of its assets that may have been transferred to LBI, Claimant simultaneously is noticing appropriate discovery. Such discovery is available in this contested matter pursuant to Fed. R. Bankr. P. 9014. Pending Claimant's ability to determine the location of assets it believes are or may be held at LBI, Claimant objects to the Trustee's denial of the Claims as against the wrong party.

6. Although the Trustee asserts in the Notice that LBIE is currently asserting claims against LBI on behalf of its clients, Claimant cannot be relegated to relying on LBIE, which is enmeshed in its own complex English insolvency proceedings, to prosecute claims on behalf of its customers in an expeditious and aggressive manner. Moreover, as it is Claimant's own assets that are at stake in this matter, Claimant should not be forced to rely upon an insolvent third party, over which Claimant has no control, to discover the whereabouts and status of its own property.

### **CONCLUSION**

7. WHEREFORE, Claimant requests that the Court: (i) reject the Trustee's determination in the Notice and (ii) grant such other relief as is just and proper.

Dated: New York, New York  
October 1, 2009

**CHADBOURNE & PARKE LLP**

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